



Atty. Dkt. No 029318-0497

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rajeev A. JAIN et al.
Title: CONTROLLED RELEASE NANOPARTICULATE COMPOSITIONS
Appl. No.: 09/337,675
Filing Date: 06/22/1999
Examiner: Susan T. Tran
Art Unit: 1615
Confirmation Number: 9275

PETITION AND REQUEST FOR CORRECTION OF INVENTORSHIP

UNDER 37 C.F.R. §1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request and petition correction of the inventorship of the above-identified application.

In accordance with 37 C.F.R. §1.48(a), Applicants submit the following in support of the request to amend inventorship of the present application:

1. Applicants request that the following inventor be added to the present application:

Gary Liversidge 07/07/2008 SZLWDIE1 00000014 09337675

01 FC:1464

130.00 OP

2. A Statement under 37 C.F.R. §1.48(a)(2), of no deceptive intent, executed by Gary Liversidge.

3. A Declaration naming all inventors as Jon Swanson, Rajeev Jain, Robert Hontz, John G. Devane, Kenneth Iain Cumming, Maurice Clancy, Janet Elizabeth Codd, and Gary Liversidge, as required by 37 C.F.R. §1.63, and executed by Jon Swanson, Rajeev Jain, Robert Hontz, John G. Devane, Janet Elizabeth Codd, and Gary Liversidge.

4. A Petition under 37 CFR §1.183, requesting a waiver of the requirement under 37 CFR § 1.64, because inventors Kenneth Iain Cumming and Maurice Clancy could not be found despite diligent search. The Petition is supported by evidence and Declarations that Kenneth Iain Cumming and Maurice Clancy could not be found, despite diligent search. The petition is accompanied by the petition fee in the amount of \$400.00 as set forth in 37 CFR § 1.17(f).

5. Consent of the Assignee for the correction of inventorship.

6. The processing fee of \$130.00, as set forth in 37 CFR §1.17(i).

7. A Supplemental Application Data Sheet, showing the correction of inventorship.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

July 3, 2008

By

Michele M. Simkin

FOLEY & LARDNER LLP
Customer Number: 31049
Telephone: (202) 672-5538
Facsimile: (202) 672-5399

Michele M. Simkin
Attorney for Applicants
Registration No. 34,717



Atty. Dkt. No 029318-0497

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Swanson et al.
Title: CONTROLLED RELEASE
NANOPARTICULATE COMPOSITIONS
Appl. No.: 09/337,675
Filing Date: 06/22/1999
Examiner: Susan Tran
Art Unit: 1615
Confirmation Number: 9275

CONSENT OF ASSIGNEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Elan Pharma International Limited, with an address of Monksland, Athlone, County Westmeath, Ireland, which is the Assignee of the above-captioned application by virtue of an assignment recorded at reel/frame 012537/0180, hereby consents to the addition of Gary Liversidge as inventor to the present application.

ELAN PHARMA INTERNATIONAL LIMITED

By:

(Signature)

WILLIAM DANIEL

(Printed Name)

DIRECTOR

(Title)



Atty. Dkt. No 029318-0497

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Swanson et al.
Title: CONTROLLED RELEASE
NANOPARTICULATE COMPOSITIONS
Appl. No.: 09/337,675
Filing Date: 06/22/1999
Examiner: Susan T. TRAN
Art Unit: 1615
Confirmation Number: 9275

STATEMENT BY INVENTOR UNDER 37 CFR §1.497(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states that I am being added to the above-captioned application and that the original error in inventorship occurred without deceptive intent on my part.

Respectfully submitted,

Date 8/16/07

By [Signature]

Gary Liversidge

Supplemental Application Data Sheet



Application Information

Application number::	09/337,675
Filing Date::	06/22/1999
Application Type::	Regular
Subject Matter::	Utility
Suggested classification::	
Suggested Group Art Unit::	1615
CD-ROM or CD-R?::	None
Computer Readable Form (CRF)?::	No
Title::	CONTROLLED RELEASE NANOPARTICULATE COMPOSITIONS
Attorney Docket Number::	029318-0497
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	1
Total Drawing Sheets::	12
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	Jon
Family Name::	Swanson
City of Residence::	North Wales
State of Residence::	PA

Street of mailing address:: 154 Tudor Drive
North Wales, PA 19454

Applicant Authority Type:: Inventor
Primary Citizenship Country:: India
Status:: Full Capacity

Given Name:: Rajeev A.
Family Name:: Jain
City of Residence:: Farmingham

State of Residence:: MA
Street of mailing address:: 14 Olympic Street
Farmingham, MA 01701

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Robert
Family Name:: Hontz
City of Residence:: Newton Square
State of Residence:: PA
Street of mailing address:: 3513 Lewis Road
Newton Square, PA 19073

Applicant Authority Type:: Inventor
Primary Citizenship Country:: Ireland
Status:: Full Capacity
Given Name:: John G.
Family Name:: Devane
City of Residence:: Athlone
Country of Residence:: Ireland
Street of mailing address:: Barrymore, County Meath
Athlone, Ireland

Applicant Authority Type:: Inventor

Primary Citizenship Country:: Ireland
Status:: Full Capacity
Given Name:: Kenneth Iain
Family Name:: Cumming
City of Residence:: Dublin
Country of Residence:: Ireland
Street of mailing address:: 46 Old Cabra Road
Phibsboro, Dublin, Ireland

Applicant Authority Type:: Inventor
Primary Citizenship Country:: Ireland
Status:: Full Capacity
Given Name:: Maurice Joseph Anthony
Family Name:: Clancy
City of Residence:: Dublin
Country of Residence:: Ireland
Street of mailing address:: 92 Fosterbrook
Booterstown, Dublin, Ireland

Applicant Authority Type:: Inventor
Primary Citizenship Country:: Ireland
Status:: Full Capacity
Given Name:: Janet Elizabeth
Family Name:: Codd
City of Residence:: ~~Athlone~~ Murrintown
Country of Residence:: Ireland
Street of mailing address:: ~~43 Priory Park~~
~~Athlone, County Westmeath, Ireland~~
Redshire Road
Murrintown, Wexford, Ireland

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity

Given Name:: Gary
Family Name:: Liversidge
City of Residence:: Westchester
State of Residence:: PA
Street of mailing address:: 258 Colwyn Terrace
Westchester, PA 19380

Correspondence Information

Correspondence Customer Number:: 31049
E-Mail address:: PTOMailWashington@foley.com

Representative Information

Representative Customer Number::	22428	
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Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation in part of	09/164,351	10/01/1998

Foreign Priority Information

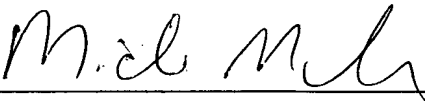
Country::	Application number::	Filing Date::	Priority Claimed::

Assignee Information

Assignee Name::

Elan Pharma International Limited

Respectfully Submitted,



Michele M. Simkin

Attorney for Applicant, Registration No. 34,717



Atty. Dkt. No 029318-0497

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rajeev A. JAIN et al.
Title: CONTROLLED RELEASE
NANOPARTICULATE COMPOSITIONS
Appl. No.: 09/337,675
Filing Date: 06/22/1999
Examiner: Susan T. Tran
Art Unit: 1615
Confirmation Number: 9275

PETITION UNDER 37 CFR §1.183

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the Petition to Correct Inventorship under 37 CFR § 1.48(a), being filed concurrently herewith to add Gary Liversidge to the above-captioned application, Applicants hereby request waiver of the requirement under 37 CFR §1.64, requiring all of the inventors to re-execute the oath or declaration. All of the inventors for the present application have re-executed the oath or declaration which adds Gary Liversidge, except for Maurice Clancy and Kenneth Iain Cumming. Following is a summary of Applicants's attempts to locate Maurice Clancy and Kenneth Iain Cumming to execute a new oath or declaration.

I. Maurice Clancy

1. The last know contact information for Maurice Clancy is:

92 Fosterbrook

Boosterstown, Dublin, Republic of Ireland

Phone numbers: 01 6102311 and 0876384085/07/2008 SZEWDIE1 00000014 09337675

Email: Maureicejaclancy@hotmail.com 02 FC:1462

400.00 OP

2. On March 6, 2008, Michele Simkin, attorney for the applicants sent a letter (copy attached) to Maurice Clancy regarding the correction of inventorship and requesting that he execute a Declaration. The Federal Express package was returned as undeliverable.

3. On May 22, 2008, Christine Arthur, a legal assistant for Michele Simkin, attempted to call Mr. Clancy at the phone numbers listed above. A message stating that both numbers are out of service was received (a statement by Ms. Arthur is attached).

4. On May 22, 2008, Ms. Arthur sent an email (copy attached) to Mr. Clancy regarding the correction of inventorship and requesting that he execute a Declaration (which was attached to the email). That email was returned as undeliverable. A second email was also sent to the email address: Mauricejaclancy@hotmail.com (in case the first address was misspelled) and that email was also returned as undeliverable.

5. On May 27, 2008, an Internet search to locate Mr. Clancy was performed by Ms. Arthur. Both Yahoo and Google search engines were searched for "Maurice Clancy" and "Dr. Maurice Clancy". Ms. Arthur also performed a search of the online Irish White Pages (URL: <http://www.lookupuk.com/irephone.html>), however, no listing was found for Mr. Clancy in Ireland which matched the address information (a statement by Ms. Arthur is attached).

II. Kenneth Iain Cumming

1. The address for Mr. Cumming when he left employment of Elan Pharma International Ltd. (EPIL) was:

46 Old Cabra Road

Dublin 7, Ireland

Phone Numbers: 011 01 8684053 and 011 086 2484447

Mr. Cumming later informed EPIL that his new address was (no new phone number provided):

40 Spring Grove

Loughton, Essex IG10 4QD, England

2. On March 6, 2008, Michele Simkin, attorney for the applicants sent a letter (copy attached) to Maurice Clancy regarding the correction of inventorship and requesting that he execute a Declaration. The Federal Express package was returned as undeliverable.

3. On May 20, 2008, Vicki Willis, assistant to Michele Simkin, and associate attorney for applicants, Simon Elliott, conducted an Internet search (Google and Yahoo), and did not find any contact information for Mr. Cumming. Declarations by Simon Elliott and Vickie Willis are attached.

4. On May 22, 2008, Applicants' attorney received the updated address from EPIL for Mr. Cumming. A letter (dated May 22, 2008) from Michele Simkin to Mr. Cumming was sent via Federal Express on May 23, 2008, informing him of the correction of inventorship and enclosing a Declaration for execution. The Federal Express package was returned as undeliverable.

5. On May 23, 2008, Christine Arthur, legal assistant for Michele Simkin, attempted to call Mr. Cumming at the phone numbers listed above. Ms. Arthur received a recording at both numbers indicating that they were out of service. A Declaration by Christine Arthur is attached.

6. On May 27, 2008, Ms. Arthur conducted an Internet search of Google, Yahoo, the online Irish White Pages (URL: <http://www.lookupuk.com/irephone.html>), and the online UK White Pages (URL: <http://www.whitepages.co.uk>). A Declaration by Christine Arthur is attached.

In view of the foregoing, and in accordance with MPEP § 201.03, Applicants respectfully request that the Petition for Correction of Inventorship submitted concurrently herewith be approved, and that the requirement for signatures of inventors Clancy and Cumming be waived. Applicants respectfully assert that the waiver is required to permit the present application to proceed with the correct inventorship.

Further, Applicants assert that a diligent effort has been made to locate inventors Clancy and Cumming, and in accordance with MPEP 201.03, which indicates that a petition requesting waiver of the requirement for reexecution of the oath or declaration should be considered, particularly where assignee consent has been given for the correction for the inventorship.

The fee required for this petition under 37 CFR §1.17(f) in the amount of \$400.00 is submitted herewith in the form of a credit card payment.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 3, 2008

FOLEY & LARDNER LLP
Customer Number: 31049
Telephone: (202) 672-5538
Facsimile: (202) 672-5399

By Michele M. Simkin

Michele M. Simkin
Attorney for Applicant
Registration No. 34,717



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rajeev Jain et al.

Title: CONTROLLED RELEASE NANOPARTICULATE COMPOSITIONS

Serial No.: 09/337,675

Filing Date: 06/22/1999

Examiner: Susan T. Tran

Group Art Unit: 1615

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF CHRISTINE ARTHUR

Dear Sir,

I, Christine Arthur, do hereby declare:

I placed two phone calls to Maurice Clancy, one call to phone number 011 01 6102311 and one to phone number 011 087 6384085 on May 22, 2008, and received a recorded message stating that both numbers were out of service.

I also conducted an search on the Internet for Mr. Clancy on May 27, 2008. I searched Yahoo, Google, and the online Irish White Pages and did not find any contact information.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Christine Arthur

Signed at Washington, D.C.

This 25th day of July, 2008



March 6, 2008

ATTORNEYS AT LAW
WASHINGTON HARBOUR
3000 K STREET NW, SUITE 500
WASHINGTON, D.C. 20007-5143
202.672.5300 TEL
202.672.5399 FAX
www.foley.com

WRITER'S DIRECT LINE
202.672.5538
msimkin@foley.com EMAIL

CLIENT/MATTER NUMBER
029318-0497

Maurice Joseph Anthony Clancy
92 Fosterbrook
Booterstown, Dublin
Ireland

Re: U.S. Patent Application No.: 09/337,675
Filing Date: 6/22/1999
Title: CONTROLLED RELEASE NANOPARTICULATE
COMPOSITIONS
Inventor(s): Rajeev A. JAIN et al.
Our Ref.: 029318-0497

Dear Mr. Clancy:

Attached please find a Declaration for your review and signature. We are sending you the Declaration for signature to meet the U.S. Patent and Trademark Office requirements of adding an inventor (Gary G. Liversidge) in the above-referenced application. If you have any questions or concerns regarding this matter, please contact my legal assistant, Karin M. Oberhoff, at koberhoff@foley.com or 202-295-4716.

After reviewing the Declaration, please sign and return the document at your earliest convenience to the above email (via pdf), facsimile number 202-672-5399, or by return Federal Express Envelope.

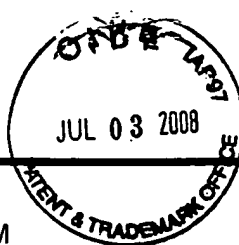
Thank you for your time and attention to this matter.

Very truly yours,

Michele M. Simkin

MMSC/kmo
Enclosure(s)

Arthur, Christine L.



From: Arthur, Christine L.
Sent: Thursday, May 22, 2008 12:43 PM
To: 'maureicejaclancy@hotmail.com'
Subject: Signature Requested for Patent Application (our reference number 029318-0497)

Attachments: 029318-0497dec.pdf

Re: U.S. Patent Application No. 09/337,675

Filed: June 22, 1999

Title: CONTROLLED RELEASE NANOPARTICULATE COMPOSITIONS

Assignee: Elan Pharma International, Ltd.

Dear Mr. Clancy:

Our law firm represents Elan Pharma International, Ltd., with regards to prosecution of the above-referenced patent application in the United States Patent and Trademark Office (USPTO).

During the course of prosecution of the application, it has been determined that Mr. Gary Liversidge needs to be added to the application as an inventor. Under the USPTO rules to effect correction of inventorship, we are required to submit a new Declaration which lists all of the inventors, including the inventor to be added, and has been signed by all of the inventors.

In that regard, attached is a Declaration for the referenced application. We request that you kindly review the Declaration, and sign and date the document where indicated under your name. If any corrections are needed with regard to your address or residence, please make the corrections by hand, and initial next to your correction.

Please then return the executed document to me, either via facsimile or email; we do not require the original signed document. Alternatively, if it is more convenient for you, I can provide a Federal Express account number so you may send the documents via overnight courier. As we are working under a deadline to submit the executed document, we ask that you return the executed document to us as soon as possible, and preferably by not later than May 30, 2008.

If you have any questions, or require further information, please do not hesitate to contact me. We thank you for your kind assistance in this matter, and look forward to receiving the executed document.

Best regards,
Christine

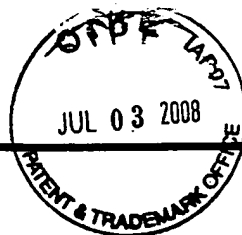
*Christine Arthur
Patent and Trademark Manager
Washington D.C. Office
Foley & Lardner LLP
Washington Harbour
3000 K Street NW, Suite 500
Washington DC 20007*

*Direct Dial: 202-295-4054
Facsimile: 202-672-5399*



029318-0497dec.pdf
f (27 KB)

Arthur, Christine L.



From: System Administrator
To: mauricejaclancy@hotmail.com
Sent: Thursday, May 22, 2008 12:47 PM
Subject: Undeliverable: Signature Requested for Patent Application (our reference number 029318-0497) - your attention requested

Your message did not reach some or all of the intended recipients.

Subject: Signature Requested for Patent Application (our reference number 029318-0497) - your attention requested
Sent: 05/22/2008 12:47 PM

The following recipient(s) could not be reached:

mauricejaclancy@hotmail.com on 05/22/2008 12:47 PM

There was a SMTP communication problem with the recipient's email server. Please contact your system administrator.
<foleyex02.foleylaw.com #5.5.0 smtp;550 Requested action not taken: mailbox unavailable>



Arthur, Christine L.

From: System Administrator
To: maureicejaclancy@hotmail.com
Sent: Thursday, May 22, 2008 12:44 PM
Subject: Undeliverable: Signature Requested for Patent Application (our reference number 029318-0497)

Your message did not reach some or all of the intended recipients.

Subject: Signature Requested for Patent Application (our reference number 029318-0497)
Sent: 05/22/2008 12:43 PM

The following recipient(s) could not be reached:

maureicejaclancy@hotmail.com on 05/22/2008 12:43 PM

There was a SMTP communication problem with the recipient's email server. Please contact your system administrator.
<foleyex02.foleylaw.com #5.5.0 smtp;550 Requested action not taken: mailbox unavailable>



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rajeev Jain et al.

Title: CONTROLLED RELEASE NANOPARTICULATE COMPOSITIONS

Serial No.: 09/337,675

Filing Date: 06/22/1999

Examiner: Susan T. Tran

Group Art Unit: 1615

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


DECLARATION OF SIMON ELLIOTT

Dear Sir,

I, Simon Elliott, do hereby declare:

I conducted an search on the Internet for Kenneth Iain Cumming on May 20, 2008. I searched Google and did not find any contact information.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Simon Elliott

Signed at Washington, D.C.
This 3rd day of July, 2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rajeev Jain et al.

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Examiner: Susan T. Tran

Group Art Unit: 1615

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF CHRISTINE ARTHUR

Dear Sir,

I, Christine Arthur, do hereby declare:

I placed two phone calls to Kenneth Iain Cumming, one call to phone number 011 01 8684053 and one to phone number 011 086 2484447 on May 23, 2008, and received a recorded message stating that both numbers were out of service.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Christine Arthur

Signed at Washington, D.C.

This 3rd day of July, 2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rajeev Jain et al.

Title: CONTROLLED RELEASE NANOPARTICULATE COMPOSITIONS

Serial No.: 09/337,675

Filing Date: 06/22/1999

Examiner: Susan T. Tran

Group Art Unit: 1615

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF VICKIE WILLIS

Dear Sir,

I, Vickie Willis, do hereby declare:

I conducted an search on the Internet for Kenneth Iain Cumming on May 20, 2008. I searched Yahoo and Google and did not find any contact information.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Vickie Willis
Vickie Willis

Signed at Washington, D.C.

This 3rd day of July, 2008



March 6, 2008

ATTORNEYS AT LAW
WASHINGTON HARBOUR
3000 K STREET NW, SUITE 500
WASHINGTON, D.C. 20007-5143
202.672.5300 TEL
202.672.5399 FAX
www.foley.com

WRITER'S DIRECT LINE
202.672.5538
msimkin@foley.com EMAIL

CLIENT/MATTER NUMBER
029318-0497

*No
Current
Info
any place*

Kenneth Iain Cumming
46 Old Cabra Road
Phibsboro, Dublin
Ireland

Re: U.S. Patent Application No.: 09/337,675
Filing Date: 6/22/1999
Title: CONTROLLED RELEASE NANOPARTICULATE
COMPOSITIONS
Inventor(s): Rajeev A. JAIN et al.
Our Ref.: 029318-0497

Dear Mr. Cumming:

Attached please find a Declaration for your review and signature. We are sending you the Declaration for signature to meet the U.S. Patent and Trademark Office requirements of adding an inventor (Gary G. Liversidge) in the above referenced application. If you have any questions or concerns regarding this matter, please contact my legal assistant, Karin M. Oberhoff, at koberhoff@foley.com or 202-295-4716.

After reviewing the Declaration, please sign and return the document at your earliest convenience to the above email (via pdf), facsimile number 202-672-5399, or by return Federal Express Envelope.

Thank you for your time and attention to this matter.

Very truly yours,

Michele M. Simkin

MMSC/kmo
Enclosure(s)

BOSTON
BRUSSELS
CENTURY CITY
CHICAGO
DETROIT

JACKSONVILLE
LOS ANGELES
MADISON
MIAMI
MILWAUKEE

NEW YORK
ORLANDO
SACRAMENTO
SAN DIEGO
SAN DIEGO/DEL MAR

SAN FRANCISCO
SHANGHAI
SILICON VALLEY
TALLAHASSEE
TAMPA

TOKYO
WASHINGTON, D.C.



May 22, 2008

ATTORNEYS AT LAW
WASHINGTON HARBOUR
3000 K STREET NW, SUITE 500
WASHINGTON, D.C. 20007-5143
202.672.5300 TEL
202.672.5399 FAX
www.foley.com

WRITER'S DIRECT LINE
202.672.5538
msimkin@foley.com EMAIL

CLIENT/MATTER NUMBER
029318-0497

via Federal Express

Kenneth Iain Cumming
40 Spring Grove
Loughton, Essex IG10 4QD
England

Re: U.S. Patent Application No.: 09/337,675
Filing Date: 6/22/1999
Title: CONTROLLED RELEASE NANOPARTICULATE
COMPOSITIONS
Inventor(s): Rajeev A. JAIN et al.
Our Ref.: 029318-0497

Dear Mr. Cumming:

Our law firm represents Elan Pharma International, Ltd., with regards to prosecution of the above-referenced patent application in the United States Patent and Trademark Office (USPTO).

During the course of prosecution of the application, it has been determined that Mr. Gary Liversidge needs to be added to the application as an inventor. Under the USPTO rules to effect correction of inventorship, we are required to submit a new Declaration which lists all of the inventors, including the inventor to be added, and has been signed by all of the inventors.

In that regard, attached is a Declaration for the referenced application. We request that you kindly review the Declaration, and sign and date the document where indicated under your name. If any corrections are needed with regard to your address or residence, please make the corrections by hand, and initial next to your correction.

Please then return the executed document to us, either via the enclosed, self-addressed Federal Express envelope, facsimile or email. As we are working under a deadline to submit the executed document, we ask that you return the executed document to us as soon as possible, and preferably by not later than **May 30, 2008**.



FOLEY

FOLEY & LARDNER LLP

Page 2

If you have any questions, or require further information, please do not hesitate to contact me. We thank you for your kind assistance in this matter, and look forward to receiving the executed document.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Simkin", written in a cursive style.

Michele M. Simkin

MMSC/clar
Enclosure(s)